

AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office APR 09 2004

Returned to applicant for correction APR 23 2004

Corrected application filed APR 29 2004

Map filed NOV 16 2001 under 68066

The applicant **Clear Creek Ranch, LLC**, a Nevada limited liability company, hereby makes application for permission to change the **Point of Diversion, Manner and Place of Use** of a portion of water heretofore appropriated under The portion of the flow of Clear Creek as decreed to Samuel Small in that certain 1872 decree entitled "Fredrick Dangberg and Henry Schulz, Plaintiffs, vs Henry Ross, et al, Defendants" entered in the 2nd Judicial District Court of the State of Nevada, County of Ormsby

1. The source of water is **Clear Creek & Tributaries**
2. The amount of water to be changed **2.2395% of the total flow of Clear Creek**
3. The water to be used for **Irrigation (golf course & open space)**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **SW¼ NW¼, Section 4, T.14N., R.19E., M.D.B.&M., or at a point from which the NW Corner of said Section 4 bears N. 33°07' W., a distance of 1663 feet. See map filed under Appl 68066.**
6. The existing permitted point of diversion is located within **As Decreed**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **See Attachment "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Diversion structure on Clear Creek, then via pipeline distribution system to proposed place of use**
12. Estimated cost of works **\$100,000.00**
13. Estimated time required to construct works **Three (3) years**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**
15. Remarks: **Water will be used to for irrigation purposes on the Clear Creek Ranch development. This is an approved project consisting of 381 homes, a golf course and clubhouse. Water under this application will be co-mingled with water being changed under Application 68066 within the proposed place of use. For proposed place of use, refer to sheet 1 of map filed under Application 70489.**

By **Gregory M. Bilyeu**
s/Gregory M. Bilyeu
500 Damonte Ranch Parkway, #1056
Reno, NV 89521

Compared cmf/sam

Protested 5/27/04 by: Lawrence A. Werner

ATTACHMENT "A"

7. Proposed Place of Use

Section 2, T.14N., R.19E., M.D.B. & M.

W $\frac{1}{2}$ W $\frac{1}{2}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 3, T.14N., R.19E., M.D.B. & M.

Portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
S $\frac{1}{2}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
Portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 4, T.14N., R.19E., M.D.B. & M.

Portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$
Portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$
S $\frac{1}{2}$ NE $\frac{1}{4}$
S $\frac{1}{2}$
W $\frac{1}{2}$ NW $\frac{1}{4}$
Portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$
Portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 9, T.14N., R.19E., M.D.B. & M.

NE $\frac{1}{4}$

Section 10, T.14N., R.19E., M.D.B. & M.

NW $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
S $\frac{1}{2}$ NE $\frac{1}{4}$

Refer to sheet one of map filed under Application 70489

ATTACHMENT "B"

8. Existing Place of Use:

That portion of the flow of Clear Creek decreed to Samuel Small consisting of 7% of the flow of Clear Creek. The lands owned by Samuel Small were further identified as being within the following subdivisions:

SW ¼ SE ¼, NW ¼ SE ¼, NE ¼ SE ¼, Section 5, T.14N., R.20E., M.D.B. & M.

The water being removed from irrigation under this application are further described below:

That portion appurtenant to Parcels 6 and 7 of that certain Record of Survey for the John Robert Schulz Estate recorded March 31, 1969 in Book 1 at Page 321 as File No. 49300, Official Records, Ormsby County totaling 0.788% of the flow from Clear Creek and appurtenant to the following Carson City APNs:

9-311-54, 9-311-55, 9-311-56, 9-311-57

That portion appurtenant to Parcels 6 and 7 of that certain Record of Survey for the John Robert Schulz Estate recorded March 31, 1969 in Book 1 at Page 321 as File No. 49300, Official Records, Ormsby County totaling 1.212% of the flow from Clear Creek and appurtenant to the following Carson City APNs:

9-311-50, 9-311-51, 9-311-52, 9-311-53

That portion appurtenant to a portion of Parcel 5 of that certain Record of Survey for the John Robert Schulz Estate recorded March 31, 1969 in Book 1 at Page 321 as File No. 49300, Official Records, Ormsby County totaling 0.137% and appurtenant to the following Carson City APN:

9-311-37

That portion appurtenant to a portion of Parcel 5 of that certain Record of Survey for the John Robert Schulz Estate recorded March 31, 1969 in Book 1 at Page 321 as File No. 49300, Official Records, Ormsby County totaling 0.1025% and appurtenant to the following Carson City APN:

9-311-39

Summary:	
APNs 9-311-50, 51, 5 ² & 53	1.212%
APNs 9-311-54, 55, 56 & 57	<u>0.788%</u>
Sub Total:	2.000%
APN 9-311-37 ^{mb}	0.137%
APN 9-311-3 ^{mb} 9	<u>0.1025%</u>
Sub Total:	0.2395%
Grand Total:	2.2395%